



February 12, 2003

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## SENATE BILL No. 365

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DIGEST OF SB 365 (Updated February 11, 2003 11:32 AM - DI 71)

**Citations Affected:** IC 10-2; IC 33-1.

**Synopsis:** National guard benefits. Extends the protections of the federal Soldiers' and Sailors' Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act to members of the Indiana national guard who are ordered to active duty by the governor.

**Effective:** July 1, 2003.

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**Paul, Young R, Meeks R, Craycraft,  
Landske**

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January 16, 2003, read first time and referred to Committee on Transportation and Homeland Security.  
February 11, 2003, reported favorably — Do Pass.

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SB 365—LS 7726/DI 102+



February 12, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE BILL No. 365

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 10-2-4-24 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2003]: **Sec. 24. (a) As used in this section, "active duty" means:**

4 (1) training or duty under federal law; or  
5 (2) state active duty under section 4 of this chapter;  
6 performed under an order of the governor.

7 (b) The rights, benefits, and protections of the federal Soldiers'  
8 and Sailors' Civil Relief Act, 50 U.S.C. App. 501 et seq., as  
9 amended and in effect on January 1, 2003, apply to a member of  
10 the Indiana national guard ordered to active duty for at least thirty  
11 (30) consecutive days.

12 (c) The rights, benefits, and protections of the federal  
13 Uniformed Services Employment and Reemployment Rights Act,  
14 38 U.S.C. 4301 et seq., as amended and in effect on January 1,  
15 2003, apply to a member of the Indiana national guard ordered to  
16 active duty.

17 (d) Nothing in this section shall be construed as a restriction or

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1 limitation on any of the rights, benefits, and protections granted to  
2 a member of the Indiana national guard under federal law.

3 SECTION 2. IC 33-1-18 IS ADDED TO THE INDIANA CODE AS  
4 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
5 1, 2003]:

6 **Chapter 18. Protection of Indiana National Guard Members on**  
7 **Active Duty**

8 **Sec. 1. (a) An Indiana state court may grant the rights, benefits,**  
9 **and protections described in section 513 of the federal Soldiers'**  
10 **and Sailors' Civil Relief Act, 50 U.S.C. App. 513, as amended and**  
11 **in effect on January 1, 2003, to a person primarily or secondarily**  
12 **liable on an obligation or liability of an Indiana national guard**  
13 **member to whom IC 10-2-4-24 applies.**

14 **(b) All rights, benefits, and protections granted to a person**  
15 **under subsection (a) are in addition to the rights, benefits, and**  
16 **protections granted the person under the federal Soldiers' and**  
17 **Sailors' Civil Relief Act, 50 U.S.C. App. 501 et seq., as amended**  
18 **and in effect on January 1, 2003.**

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SENATE MOTION

Mr. President: I move that Senators Meeks R, Craycraft and Landske be added as coauthors of Senate Bill 365.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 365, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 365 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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